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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,975	06/11/1999	ANDREW EDWARD RYAN	UDL-078	1088

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65 WOODS END ROAD
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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/30/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/330,975

Applicant(s)

RYAN, ANDREW EDWARD

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/4/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are presented for examination.
2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The following terms lack proper antecedent basis:
 - b. The claim language in the following claims is not clearly understood:
 - i. as to claim 1, line 11, it is not clearly understood what is meant by “identity of the or each image selected” (i.e. identity of each selected complex image);
 - ii. as to claim 2, lines 4-5, it is not clearly understood what is meant by “selecting the or each key image” (i.e. selecting each key image);
Line 5, it is not clearly understood what is meant by “in preference to the or each dummy image (i.e. in preference to each dummy image);
 - iii. as to claim 8, line 2, it is not clearly understood what is meant by “wherein the or each chosen image” (i.e. wherein each chosen image);
 - iv. as to claim 14, line 8, it is not clearly understood what is meant by “identity of the or each selected image” (i.e. identity of each selected complex image);

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Lines 11 and 12, it is not clearly understood what is meant by
"identity of the or each image selected" (i.e. identity of each selected
complex image);

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for
all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 6, 7 and 12-14 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Gullman et al. (US 5,280,527).

5. As to claims 1 and 14, Gullman et al. disclose a distributed client/server
computer network (col. 3, lines 26-35), the network comprising:

a client (14, fig. 1) and remote server (10, fig. 1);

non-volatile (24, fig. 1) means in said client for storing a plurality of
biometrics (col. 4, lines 43-46), each of said biometrics having an identity (col. 2,
lines 20-26);

[means for selecting at least one biometric from said plurality of biometrics
stored by said client (col. 2, lines 31-35);]

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means for transmitting means for transmitting the identity of said selected biometric or biometrics from client to remote server (col. 7, lines 20-23); and

means for determining by said remote server, from the identity of each selected biometric, whether the client is authorized to gain access, via the remote server, to a network resource (col. 7, lines 23-25).
col. 2, lines 35-37

6. Gullman et al. do not specifically disclose complex image. However, Gullman et al. disclose template of user biometric information (col. 2, lines 28-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the complex image in Gullman et al's system because it is well known in the art that biometric refers to the study of measurable biological characteristics and techniques that rely on a unique, measurable characteristic of a living being for automatically recognizing or verifying identity.

7. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gullman et al. (US 5,280,527), as applied to claim 1 above, further in view of Davies (US 5,608,387).

8. As to claims 2 and 4, Gullman et al. do not specifically disclose at least one dummy images. However, Davies discloses dummy images (fig. 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gullman et al. and Davies because Davies's

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dummy images improve the security of Gullman et al's system by an authorized user to select a visually recognized facial image.

9. As to claims 3, 6, 7, 12 and 13, Gullman et al. disclose wherein in the order two or more biometrics are selected is used to determine whether the client is authorized to gain access to the resource (col. 2, lines 20-26; col. 7, lines 23-25).

10. Claims 5, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gullman et al. (US 5,280,527), as applied to claims 1, 3, 6, 7 and 12-14 above, further in view of Gilchrist et al. (US 6,167,517).

11. As to claims 5, 8, and 15, Gullman et al. do not specifically disclose the plurality of images are down-loaded from the remote server to the client. However, Gilchrist et al. disclose plurality of images are down-loaded from the remote server to the client (308, fig. 3; col. 6, lines 5-7). It would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gullman et al. and Gilchrist et al. because downloading the images from the server to client in Gilchrist et al's system would improve the performance of Gullman et al's system by allowing the client to transmit a download request to the server, thereby receiving updated files.

12. Claims 9-11 would allowable if rewritten to overcome the

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rejections under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hsu et al, patent 6,182,221 B1, Burger, patent 6,219,439 B1, Tolopka et al, patent 6,044,349, Maes et al, patent 6,016,476, Yu et al, patent 6,182,076 B1, Matyas, Jr. et al, patent 6,507,912 B1, Kharon et al, patent 6,487,662 B1, Niyogi et al, patent 6,345,110 B1 disclose method and apparatus for distributed biometric access control.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
January 24, 2003


ZARNI MAUNG
PRIMARY EXAMINER